

MOTION FOR RECONSIDERATION

FILED

OF DAVID NELSON PRYER
PLAINTIFF

08 FEB -6 PM 2:50

CHARLES W. WICKING,
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

V

VS. EVANS WARREN ET AL
DEFENDANTS

NO. C07 4035 MMC (PR)

FILED

JAN 11 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

#8

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID NELSON PRYER,) No. C 07-4025 MMC (PR)
Plaintiff,) **ORDER OF DISMISSAL**
v.)
M.S. EVANS, Warden, et al.,) (Docket No. 4.)
Defendants.)

On August 6, 2007, plaintiff, a prisoner incarcerated at Salinas Valley State Prison¹ and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983, seeking monetary damages. By separate order filed concurrently herewith, plaintiff has been granted leave to proceed in forma pauperis.

DISCUSSION**A. Standard of Review**

A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary relief from a defendant who is immune from such relief. See id.

¹On August 24, 2007, plaintiff notified the Court he had been transferred to Folsom State Prison.

MOTION FOR RECONSIDERATION

EXCUSE ME DISTRICT COURT, IN WRITING
YOU WITHIN 10 WORKING DAYS,
MOTIONING FOR RECONSIDERATION,
DUE TO SEVERAL REASONS. 1ST YOU
TOTALLY OVERLOOKED MY 1ST GROUND,
STATEING FLOOR STAFF MENDOZA,
NUMBER, & FRISK, WAS INVOLVED IN
THE TATTOOING IN THE BLOCK, HAVING
A EXHAUSTED 602, SHOWING A FACT
FINNING OF THIS DISREGARDING PENAL
CODES, & VIOLATEING TITLE 15 SECTIONS
& MN 8TH, AND 14TH, AMENDMENTS,
BY MALISHIELY POSPONING ME, FOR
LONGER THEN 6 MONTHS, FOR TATTOO
WORK, THRU MEETING OF THE MINDS
WITH INMATE CARDWELL, WHILE
I STAYED LOCKED IN A SMALL CELL,
WITH UNBAREABLE MESSES, ON BOTH
OUTER ARMS, IN TATTOES, EVENTUALLY
REMOVING A PIECE OF FLESH MYSELF.
SEE HUDSON VS MC MILLAN (1992) SOL
US 294 CIR SGT 995; 117 ED 3D 165
LOSEING LARGE AMOUNTS OF MONEY
& PROPERTY, STAFF BEING AWARE OF,
ALSO OF RECEIVING THREATS BY

1 INMATE CARDWELL, BIENG RECONS
2 OF PHYSICAL CONFRONTATION, AND FVR.
3 SUFFERING FROM CONSTENT' PHYCODOLOGIC
4 STRESS, P.T.S.D., PHYSICAL, & ACTUAL
5 DAMAGES, & LOSSES, SEE 42 USC 1971e(e)

6
7 AND ON YOUR RESPONSE COPY, OF
8 CITING MY CASES, WHICH WERE
9 DISMISSED, YOUR 1ST ISSUE, OF
10 (REISSUED RULES VIOLATIONS REPORT).
11 YOU STATE I ALLEGED! 1ST, STATES
12 MY ALLEGATIONS ARE UNCLEAR. 1ST,
13 THIS WHOLE GROUND, IS BASED ON A
14 NEGLIGENCE GROUND, BY A GANG
15 INVESTIGATOR HANELY, STATEING MY
16 RVS STAYING THE SAME, BUT SHES
17 RECOMMENDING A S.H.U SUSPENSION.
18 A TRANSFER, & THE D.A. IS NOT PICKING
19 THE CASE UP. WHERE I STATED THIS
20 IN MY EXAUSTED boz, & MY GROUND,
21 ~~HAVE~~ HAVING A WITNESS TO HANELYS
22 STATEMENTS, OF REVERSEING MY
23 SENTENCE, AT MY CELL DOOR. SEE 1D
24 AT 486 87. THEN GOING TO COMMITTEE,
25 BIENG TOLD THIET'S NO DOCUMENTATION
16 OF I S U C HANELYS RECOMENDATIONS,
17 OR THE D.A.'S DECLINE, OR MY 115 BIENG
18 HEARD, WHERE IT WAS. YOUR DISTRICT

1 I APPEALS COORDINATORS OFFICE, IN S.V.S.P
2 BOTH MISUNDERSTOOD, THIS COMPLIANT,
3 DISCRIMINATING, IM CLAIMING THAT THE
4 F.V.R SHOULD BE DISMISSED, OR NEVER
5 REHEARD, I NEVER CLAIMED THIS AT ALL
6 FROM THE DAY IT FILED MY 602, I HAVE
7 BEEN CLAIMING, NEGLIGENCE & RETALIATION
8 ASKING FOR HANLEY'S INFORMATION, SHE
9 RECOMMENDED, TO ME, TO SURFACE, THIS
10 BIEN CAUSES OF MY CONSTANT PSYCHOLOGICAL
11 STRESS, BY ACTIVATING THE D.A. REFERAL
12 & OTHER ISSUES BY NEGLECTING THIS
13 DOCUMENTATION.

14
15 3RD REGARDING MY INVASIONS OF
16 PRIVACY ALLEGATIONS, YOU STATE A CLAIM
17 IS FRIVOLOUS, IF IT IS PREMISSED ON AN
18 INDISPUTED MERITLESS LEGAL THEORY, OR
19 LACKING FACTUAL BASIS.
20 1ST, C.D.C.R. TITLE 15 SECTIONS, 3413A1(c)
21 STATES ITS A VIOLATION TO TRANSMIT
22 INFORMATION, THAT VIOLATES OR INFRINGES
23 ON RIGHTS OF PRIVACY, & THE 4TH ~~AMENDMENT~~
24 CONSTITUTIONAL AMENDMENT STATES, MY RIGHT
25 TO GATHER INFORMATION (WHICH THIS RIGHT IS
26 VIOLATED BY THIS TRANSMISSION SPREADING MY
27 INFORMATION THATS GATHERED, CREATING FEDERAL
28 INFRINGEMENT SUITS OF MY WORK) & GARRETTES

1 GOVERNMENTS, CANT ACT ON UNREASONABLE
2 ASSUMPTIONS, TO VIOLATE THIS RIGHT, THRU
3 SAFE GUARD ISSUES, & FEDERAL LAW
1 PRIVACY ACTS, BY BEING PROTECTED BY
2 THIS ABUSE. BASED ON FACTS,
3 STATE PRISONS, HAVE HISTORY'S OF THIS
1 ABUSE. (CSP SAC IS ONE OF THEM) &
3 PROTECTING A SIMILAR ISSUES, IN A
1 DETRIOT PRISON, COURTS HAD TO MOTION
0 THIS ABUSE UNCONSTITUTIONAL, THIS BEING
1 ANOTHER GROUND IN CLAIMING RELIEF
2 THRU PSICOLOGICAL STRESS.

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